

Christopher H. Westrick, Esq. (043721997)
CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & AGNELLO, P.C.
5 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700
Attorneys for Defendant, Frances Robertson Stroh

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

WHITNEY WETHERHILL STROH,

Plaintiff,

V.

FRANCES ROBERTSON STROH,

Defendant.

Civil Action No. 2:21-cv-4280

NOTICE OF REMOVAL

TO: The Honorable Judges
Of The United States District Court
For the District of New Jersey

Pursuant to 28 U.S.C. §1441(b), Defendant, Frances Robertson Stroh (“Defendant”), by and through her attorneys, Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C., hereby remove the above-captioned matter from the Superior Court of New Jersey, Law Division, Essex County, to this Court, and in support thereof, respectfully say:

1. On February 5, 2021, Plaintiff Whitney Wetherhill Stroh (“Plaintiff”) filed a Complaint (“Complaint”) in the Superior Court of New Jersey entitled Whitney Wetherhill Stroh v. Frances Robertson Stroh. The Complaint was filed in the Law Division, Essex County, and docketed as ESX-L-994-21.

2. The Complaint constitutes all the process in this matter and a copy is attached hereto as **Exhibit A**.

3. Although not formally served upon Defendant, a copy of the Complaint was provided to Defendant's counsel.

4. The Complaint states that Plaintiff is a resident of the State of Florida. See Complaint, para. 7.

5. Defendant is a citizen and resident of the State of California. See Exhibit B, Declaration of Frances Robertson Stroh.

6. The Complaint purports to set forth claims for sexual abuse, assault, battery, and intentional infliction of emotional distress. See Complaint.

7. Plaintiff seeks compensatory and punitive damages totaling \$15,000,000.00 plus attorneys' fees and costs. Id.

8. Based upon the foregoing, this Court has diversity jurisdiction of this matter pursuant to 28 U.S.C. §1332.

9. Venue is proper in the United States District Court for the District of New Jersey (Newark Vicinage) in that the action is pending in the Superior Court of New Jersey, Essex County, New Jersey.

10. This Notice of Removal is being filed in this Court within 30 days after receipt by the Defendant of a copy of the Complaint.

11. Defendant is the only defendant in this action; therefore, all defendants consent to the removal.

12. Written notice of the filing of this Notice of Removal is being given to all parties concurrently with the filing of this Notice of Removal.

13. A Notice of Filing of this Notice of Removal is simultaneously being filed with the Clerk of the Superior Court of New Jersey, Law Division, Essex County.

For the reasons set forth above, Defendant hereby removes this action from the Superior Court of New Jersey, Law Division, Essex County, to this Court.

CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & AGNELLO, P.C.

5 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700

Attorneys for the Defendant,
Frances Robertson Stroh

By: 

CHRISTOPHER H. WESTRICK

Dated: March 5, 2021

[#722520v1](#)

Exhibit A

THOMAS VIGNEAULT ESQ.
ATTORNEY ID #149382015
THE VIGNEAULT LAW FIRM
PO BOX 782
BERNARDSVILLE, NEW JERSEY 07924
TVIGNEAULT@VIGNEAULTLAW.COM
TEL - (201)-515-3070
FAX - 1(201)-608-7825

ATTORNEY FOR PLAINTIFF

January 30th, 2021

Via JEDS

Attn: Clerk
Superior Court of New Jersey
ESSEX COUNTY
Law Division

RE: WHITNEY WETHERHILL STROH vs. FRANCES ROBERTSON STROH
Docket No. L - TBD

Dear Sir or Madam:

Enclosed please find the following:

Complaint

Any fee regarding this Complaint has been charged to the firm's collateral account 154937.
Thank you for your time and attention to this matter.

Very Truly Yours,

By: s/ Thomas Vigneault
Thomas H. Vigneault Esq.

THOMAS VIGNEAULT ESQ.
ATTORNEY ID #149382015
THE VIGNEAULT LAW FIRM
PO BOX 782
BERNARDSVILLE, NEW JERSEY 07924
TVIGNEAULT@VIGNEAULTLAW.COM
TEL - (201)-515-3070
FAX - 1(201)-608-7825

Attorney for Plaintiff

WHITNEY WETHERHILL STROH

Plaintiff,

vs.

FRANCES ROBERTSON STROH

Defendant

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

ESSEX COUNTY

Docket No:

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff WHITNEY WETHERHILL STROH, herein after known as WHITNEY STROH, by his attorneys THE VIGNEAULT LAW FIRM, bring this action against Defendant FRANCES ROBERTSON STROH herein after known as FRANCES STROH alleging, on personal knowledge as to him and on information and belief as to all other matters as follows:

JURY DEMAND

1. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION AND VENUE

2. This Court has personal jurisdiction over the Defendant in that on the date of the incidents described herein, defendant either owned real property in the State of New Jersey, and or committed the unlawful acts alleged herein at said property and is subject to the Court's Jurisdiction.

3. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.
4. Venue for this action is proper in the County of Essex, pursuant to *R. 4:3-2* in that venue is properly laid in the county in which the cause of action arose.

**C.2A:14-2b COMMENCEMENT OF ACTIONS REGARDLESS OF
STATUTE OF LIMITATIONS**

5. Each of Plaintiff's causes of action is timely pursuant to C.2A:14-2B, which was enacted on May 13, 2019, and went into effect on December 1, 2019. Plaintiff alleges that the Defendant committed intentional or negligent acts or omissions which resulted in Plaintiff suffering physical, psychological or other injuries or conditions as a direct and proximate result of conduct which constitutes a sexual offense committed against his person, as defined in Section 1 of P.L. 1992 c. 109, as amended on May 13, 2019. This action, moreover, has not been filed until after the effective date of December 1, 2019.
6. Under P.L. 2019c.120 (C.A: 12-2a et al.), the statute of limitations is also extended for sexual assault victims who are 18 years of age or older.

PARTIES

7. Plaintiff WHITNEY STROH is an individual currently residing in Lantana, Florida.
8. At all relevant times, Plaintiff was the younger sibling and in the care of Frances Stroh.
9. Defendant, FRANCES STROH, is the elder sibling to the Plaintiff.
10. The parties are a part of the formerly wealthy or powerful Stroh Beer dynasty.

STATEMENT OF FACTS

FRANCES STROH

11. Plaintiff is the younger sibling of FRANCES STROH who is already the daughter of GAIL ROBERTSON STROH and ERIC STROH.
12. Beginning in 1975 FRANCES STROH began whom is almost five years older than Plaintiff, began to fondle, molest and sexually assault Plaintiff at while visiting their Grandmothers residence in West Orange, New Jersey. The frequent abuse of sexual touching started on visits to Plaintiff's Grandmothers home in West Orange New Jersey.
13. Plaintiff remembers FRANCES STROH cruelly enjoying humiliating and assault Plaintiff during this time.
14. Plaintiff subsequently filed a police report when remembering and realizing the severe abuse he suffered.
15. Plaintiff, while visiting his grandmother who previously resided at 93 Glen Avenue West Orange New Jersey his sister the Defendant Frances Stroh forced Plaintiff to take his clothes off and lie on the bed before molesting him.
16. Plaintiff recalls Frances Stroh touched and "fondled" his penis and testicles for several minutes.
17. On a separate occasion, while again visiting their grandmother again in 1975, Plaintiff was sexually assaulted by his sister, Frances Stroh, for a second time.
18. While playing in their grandmothers' driveway, Defendant Frances Stroh grabbed Plaintiff's arm and dragged him into the bushes nearby, where she instructed Plaintiff to remove his clothes and again "fondled" his genitalia.

19. Plaintiff only recently was able to recall the incidents with any clarity, while driving through New Jersey and seeing a Howard Johnson sign that triggered the molestation by Defendant that previously occurred to Plaintiff as a child.
20. Defendant Frances Stroh's abuse of the Plaintiff continued, eventually introducing Plaintiff to drugs and alcohol when the Plaintiff was eleven years of age in 1983.
21. Defendant Frances Stroh vaguely references this abuse in her Memoir "Beer Money" a book that was released in 2016. Plaintiff has recently reviewed the book and details referencing him upon realization of the abuse by the Defendant.
22. Defendant Frances Stroh attempted to drown Plaintiff in various swimming pools throughout Plaintiff's childhood.
23. Defendant would push Plaintiff down flights of stairs during childhood. Defendant would continually assault and attack Plaintiff on a regular basis throughout childhood.
24. Defendant introduced Plaintiff to marijuana in early 1983 when Plaintiff was age 11. Defendant introduced Plaintiff and to cocaine in December 1984 when Plaintiff was 13 and Defendant was 18 years of age.

FIRST CLAIM FOR RELIEF
SEXUAL ABUSE

25. Plaintiff WHITNEY STROH repeats and realleges each and every allegation set forth above as if fully set forth herein.
26. Defendant FRANCES STROH did sexually assault, sexually abuse, and/or have sexual contact with Plaintiff in violation of the laws of the State of New Jersey.

27. By sexually assaulting, sexually abusing, and/or having sexual contact with Plaintiff, Defendant FRANCES STROH placed Plaintiff in imminent and reasonable apprehension of harmful and offensive contact.
28. By Sexually assaulting, sexually abusing, and/or having sexual contact with Plaintiff, Defendant FRANCES STROH acted so as to cause repeated unjustified, harmful and offensive physical contact with Plaintiff.
29. As a direct result of both Defendant's conduct, Plaintiff has suffered the injuries and damages described herein.
30. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

SECOND CLAIM FOR RELIEF
ASSAULT

31. Plaintiff WHITNEY STROH repeats and realleges each and every allegation set forth above as if fully set forth herein.
32. Defendant's aforementioned actions placed Plaintiff WHITNEY STROH in apprehension of imminent harmful and offensive bodily contact.
33. As a result of the foregoing, Plaintiff WHITNEY STROH sustained, inter alia, assault, batter, severe emotional distress, embarrassment, humiliation, physical pain and mental anguish, together with shock, fright, and apprehension.

THIRD CLAIM FOR RELIEF
BATTERY

34. Plaintiff WHITNEY STROH repeats and realleges each and every allegation set forth above as if fully set forth herein.

35. Defendant FRANCES STROH touched Plaintiff in a harmful and offensive manner that was not consented to by Plaintiff.
36. Defendant did so without privilege or consent from Plaintiff WHITNEY STROH who was four years of age at the beginning of the abuse.
37. As a result of the foregoing, Plaintiff WHITNEY STROH sustained, inter alia, assault, batter, severe emotional distress, embarrassment, humiliation, physical pain and mental anguish, together with shock, fright, and apprehension.

FOURTH CLAIM FOR RELIEF
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

38. Plaintiff WHITNEY STROH repeats and realleges each and every allegation set forth above as if fully set forth herein.
39. The aforementioned conduct was extreme and outrageous, and exceeded all reasonable bounds of decency.
40. The aforementioned conduct was intentional and done for the sole purpose of causing severe emotional distress to Plaintiff.
41. As a result of the aforementioned conduct, Plaintiff WHITNEY STROH suffered severe emotional distress, physical and emotional injury, together with embarrassment, humiliation, shock and fright.

WHEREFORE, Plaintiff WHITNEY STROH hereby demands judgment against Defendant on each cause of action as follows:

- A. Awarding compensatory damages in the amount of \$10,000,000;
- B. Awarding punitive damages in the amount of \$5,000,000.00;
- C. Awarding costs and fees of this action, including attorneys' fees to the extent permitted by law;

D. Awarding prejudgment interest to the extent permitted by law; and

E. Awarding such other and further relief as to this Court may seem just and proper.

The Vigneault Law Firm
Attorneys for the Plaintiff

By: s/ Thomas Vigneault
Thomas H. Vigneault Esq.
ATTORNEY ID #149382015
TEL - (201)-515-3070

Dated: January 30th, 2021

Exhibit B

Christopher H. Westrick, Esq. (043721997)
CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & AGNELLO, P.C.
5 Becker Farm Road
Roseland, NJ 07068
(973) 994-1700
Attorneys for Defendant, Frances Robertson Stroh

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WHITNEY WETHERHILL STROH.

Plaintiff,

v.

FRANCES ROBERTSON STROH.

Defendant.

Civil Action No.

**DECLARATION OF
FRANCES ROBERTSON STROH
IN SUPPORT
OF DEFENDANT'S
NOTICE OF REMOVAL**

FRANCES ROBERTSON STROH, of full age and upon her oath declares as follows:

1. I submit this Declaration in support of my Notice of Removal of this matter from New Jersey state court to federal court.

2. I am a citizen and resident of the State of California.

I hereby declare under penalty of perjury that the foregoing statements are true and accurate.

Dated: March 5, 2021


FRANCES ROBERTSON STROH